

December 15, 2004

**VIA ELECTRONIC FILING**

Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**VIA HAND DELIVERY, FACSIMILE AND FEDERAL EXPRESS**

Irene Flannery  
Vice President – High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, N.W., Suite 200  
Washington, DC 20036

**Re: ACS Wireless, Inc.  
Certification for Interstate Common Line and High Cost Loop Support  
CC Docket No. 96-45**

This is to inform the Federal Communications Commission (“Commission”) and the Universal Service Administrative Company that on November 17, 2004, the Regulatory Commission of Alaska (“RCA”) designated ACS Wireless, Inc. (“ACSW”) as a competitive eligible telecommunications carrier (“CETC”) in the areas served by ACS of Alaska, Inc. (the Juneau and Greatland study areas), ACS of the Northland, Inc. (Glacier State study area) and ACS of Anchorage, Inc.<sup>1</sup> As discussed below, ACSW reconfirms the commitment it made in its previously filed self-certifications to use the universal service support it receives for the purposes for which the support is intended.

On July 30, 2004, the RCA designated ACSW as a CETC in the study areas served by ACS of Fairbanks, Inc. and Matanuska Telephone Association, Inc. Pursuant to the Commission’s rules,<sup>2</sup> on September 23, 2004 and October 1, 2004, respectively, ACSW filed self-certifications as to the Interstate Common Line Support (“ICLS”) and

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<sup>1</sup> See *In the Matter of the Request by ACS Wireless, Inc. for Designation as a Carrier Eligible to Receive Federal Universal Service Support Under Telecommunications Act of 1996*, Docket No. U-04-37, Order No. 2 (Nov. 17, 2004) at p.13 (“RCA Order”). A copy of the Order is attached as Appendix 1.

<sup>2</sup> See 47 C.F.R. §§ 54.904, 54.314.

high-cost support that it would receive in 2005.<sup>3</sup> ACSW understands that its September 23, 2004 and October 1, 2004 certifications are not study area specific, but represent a universal commitment by ACSW to use all support it receives for its intended purposes. Thus, although it appears that no additional certifications are required to cover the new territories in which ACSW was granted CETC status, out of an abundance of caution, ACSW hereby reconfirms its commitment to use ICLS, LSS and high-cost loop support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Communications Act of 1934.

Please direct any questions regarding this certification to the undersigned.



Thomas R. Meade  
Vice President, Carrier Markets & Economic

Analysis

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 15<sup>th</sup> DAY OF DECEMBER, 2004.

NOTARY PUBLIC



My Commission Expires:

6/12/2006



<sup>3</sup>

ACSW's September 23, 2004 and October 1, 2004 self-certifications are attached as Appendix 2. On September 29, 2004, the RCA filed a Section 54.314(a) Certification with the FCC and USAC confirming ACSW's status as a CETC, and noting that ACSW is not regulated by the State of Alaska. A copy of the RCA's certification letter is attached as Appendix 3.

## **APPENDIX 1**

1 STATE OF ALASKA

2 THE REGULATORY COMMISSION OF ALASKA

3 Before Commissioners:

Kate Giard, Chairman  
Dave Harbour  
Mark K. Johnson  
Anthony A. Price  
James S. Strandberg

7 In the Matter of the Request by ACS  
8 WIRELESS, INC., for Designation as a Carrier  
9 Eligible to Receive Federal Universal Service  
Support Under the Telecommunications Act of  
1996

U-04-37  
ORDER NO. 2

11 ORDER APPROVING APPLICATION  
12 FOR ELIGIBLE TELECOMMUNICATIONS  
13 CARRIER STATUS AND REQUIRING FILINGS

14 BY THE COMMISSION:

15 Summary

16 We approve the Application<sup>1</sup> filed by ACSW<sup>2</sup> for status as an eligible  
17 telecommunications carrier (ETC) for purposes of receiving federal and state universal  
18 service funding in the areas served by ACS-AK,<sup>3</sup> ACS-AN,<sup>4</sup> and ACS-N/GS.<sup>5</sup> We  
19 require ACSW to file an affidavit certifying that it will advertise its services under the

20 <sup>1</sup>ACS Wireless, Inc. Request for Designation as an Eligible Telecommunications  
Carrier, filed April 12, 2004 (Application).

21 <sup>2</sup>ACS Wireless, Inc. (ACSW).

22 <sup>3</sup>ACS of Alaska, Inc. d/b/a Alaska Communications Systems, ACS Local Service,  
and ACS (ACS-AK).

23 <sup>4</sup>ACS of Anchorage, Inc. d/b/a Alaska Communications Systems, ACS Local  
24 Service, and ACS (ACS-AN).

25 <sup>5</sup>ACS of the Northland, Inc. d/b/a Alaska Communications Systems, ACS Local  
26 Service, and ACS for its Glacier State study area (ACS-N/GS).



1 minimum criteria set forth in this Order. We require ACSW to annually file information  
2 with us describing its use of universal service funds (USF). We also require ACSW to  
3 file updated build-out information and to report to us if there is no possibility of providing  
4 service to its customers upon reasonable request.

#### 5 Background

6 We required ACSW to file maps showing a detailed description of the  
7 proposed study areas for which it requested ETC designation. We also required ACSW  
8 to provide maps to illustrate its current coverage area relative to the service areas of  
9 ACS-AN, ACS-AK, and ACS-N/GS.<sup>6</sup> ACSW filed the required information on  
10 August 18, 2004.<sup>7</sup> On September 27, 2004,<sup>8</sup> and November 4, 2004,<sup>9</sup> ACSW filed  
11 motions for a ruling on its ETC application.<sup>10</sup>

#### 12 Discussion

13 ETCs are eligible to receive support to provide, maintain, and upgrade  
14 facilities and services for the telecommunications services and functions defined by  
15 federal regulation at 47 C.F.R. § 54.101.<sup>11</sup> Under federal law, an ETC must provide the  
16 supported universal telecommunications service throughout a defined service area.<sup>12</sup> In  
17 addition, the applicant must meet the following criteria for ETC status: (a) demonstrate

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19 <sup>6</sup>Order U-04-37(1), *Order Granting Motion and Requiring Filings*, dated July 19, 2004.

20 <sup>7</sup>*Supplemental Information in Response to Order No. 1.*

21 <sup>8</sup>*ACS Wireless' Motion for a Ruling on Its Application for ETC Status or, Alternatively, Motion for a Prehearing Conference.*

22 <sup>9</sup>*Second Motion for Ruling on ACS Wireless, Inc.'s ETC Application or, Alternatively, Motion for Prehearing Conference.*

23 <sup>10</sup>By issuance of this Order, these motions are moot.

24 <sup>11</sup>See also 47 U.S.C. § 254(e).

25 <sup>12</sup>47 C.F.R. § 54.201(d).

1 that it owns at least some facilities; (b) demonstrate its capability and commitment to  
2 provide the nine basic services required by FCC regulation;<sup>13</sup> (c) reasonably show that  
3 granting designation as an ETC is in the public interest; and (d) show that upon  
4 obtaining ETC status, the applicant will be able to offer and will advertise the availability  
5 of the services supported by the federal USF.<sup>14</sup>

6 Ownership of Facilities

7 ACSW has cellular facilities in the ACS-AK, ACS-AN, and ACS-N/GS  
8 service areas. ACSW stated that it will provide service using its own facilities or, its own  
9 facilities in combination with resale of services of another carrier. In addition, ACSW  
10 provided locations and status of its currently operational cell sites.<sup>15</sup> ACSW holds  
11 licenses to provide cellular service and personal communications service (PCS) in the  
12  
13  
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15 <sup>13</sup>The nine basic services are defined at 47 C.F.R. § 54.101.

16 <sup>14</sup>47 U.S.C. § 214(e)(1) and (2) of the Act provides:

17 (1) A common carrier designated as an eligible telecommunications  
18 carrier under paragraph (2), (3), or (6) shall be eligible to receive universal  
19 service support in accordance with section 254 of this title and shall,  
20 throughout the service area for which the designation is received –

21 (A) offer the services that are supported by Federal universal  
22 service support mechanisms under section 254(c) of this title, either using  
23 its own facilities or a combination of its own facilities and resale of another  
24 carrier's services (including the services offered by another eligible  
25 telecommunications carrier); and

26 (B) advertise the availability of such services and the  
charges therefore using media of general distribution.

(2) . . . Before designating an additional eligible telecommunications  
carrier for an area served by a rural telephone company, the State  
commission shall find that the designation is in the public interest.

<sup>15</sup>Application, Exhibit C.

1 Alaska Basic Trading Areas BTA014, BTA136, and BTA221 that covers its proposed  
2 service areas.<sup>16</sup>

3 ACSW's current facilities do not cover the entire ACS-AK and ACS-N/GS  
4 service areas and ACSW has not upgraded all its operational cell sites for code division  
5 multiple access (CDMA) coverage.<sup>17</sup> In addition, ACSW must continue to serve most  
6 parts of its proposed service areas with its time division multiple access (TDMA) and  
7 advance mobile phone service (AMPS) networks while it transitions to CDMA. ACSW  
8 stated that with access to federal USF, it will develop its network in both the ACS-AN,  
9 ACS-AK, and ACS-N/GS service areas. While this shows that ACSW does not hold  
10 facilities in all portions of the ACS-AK and ACS-N/GS service area, there is still  
11 adequate record for us to conclude that ACSW meets the "ownership of facilities" test.

12 While section 214(e)(1) of the Act requires an ETC to "offer" the services  
13 supported by the federal universal service support mechanisms, this does not require a  
14 competitive carrier to actually provide the supported services throughout the designated  
15 service area before designation as an ETC.<sup>18</sup> As a result, ACSW's lack of facilities  
16 throughout the proposed ETC service areas at this time does not, in and of itself, make  
17 ACSW ineligible for ETC status.

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19  
20 <sup>16</sup>ACSW's PCS licenses include KNLF936, KNLG973, and KNLG363. ACSW's  
21 Cellular Licenses include KNKN261, KNKA480, KNKQ398, and KNKN204. See  
22 Application, Exhibits A and B, for the coverage of ACSW. ACSW's cellular license  
23 KNKN204 expired on October 1, 2004, and its application for renewal of service with the  
24 FCC is currently pending.

25 <sup>17</sup>ACSW stated that its CDMA system is capable of providing assisted global  
26 positioning satellite location technology.

<sup>18</sup>*Federal-State Joint Board on Universal Service; Western Wireless Corporation  
Petition for Preemption of an Order of the South Dakota Public Utilities Commission,  
Declaratory Ruling, CC Docket No. 96-45, 15 FCC Rcd 15168, 15172-73 (2000).*

1 Capability and Commitment

2 ACSW must provide enough information to demonstrate its ability to  
3 provide each of the nine basic services designated by the FCC, including Lifeline and  
4 Link Up services,<sup>19</sup> or obtain a waiver.<sup>20</sup> In its Application, ACSW stated that it currently  
5 offers all nine basic services to its customers, and it commits to providing all nine  
6 services throughout its proposed service area, including Lifeline and Link Up services,  
7 upon receiving USFs.<sup>21</sup>

8 ACSW certified that it currently provides voice grade access to the public  
9 switched network through interconnection arrangements with local telephone  
10 companies, offers different rate plans which offer "local usage,"<sup>22</sup> provides both  
11 out-of-band and in-band multi-frequency signaling, the functional equivalent of dual tone  
12 multi-frequency signaling, single party service, access to emergency services,<sup>23</sup> access  
13  
14

15 <sup>19</sup>Lifeline and Link Up services are services offered by ETCs to qualifying  
16 low-income customers. Link Up is described at 47 C.F.R. § 54.411(a), and Lifeline is  
described at 47 C.F.R. § 54.401(a).

17 <sup>20</sup>The FCC allows a state commission to grant waiver of the requirement to  
18 provide single-party access to Enhanced 911 (E911), and toll limitation services to allow  
additional time for a carrier to complete network upgrades necessary to provide service.  
47 C.F.R. § 54.101(c).

19 <sup>21</sup>Application at 6-10.

20 <sup>22</sup>Although the FCC has not set a minimum local usage requirement, ACSW  
21 certifies that it will comply with the minimum local usage requirements adopted by the  
FCC.

22 <sup>23</sup>Access to emergency services includes access to services, such as 911 and  
23 E911, provided by local governments or other public safety organizations.  
47 C.F.R. § 54.101(a)(5). 911 is a service that permits a telecommunications user, by  
24 dialing the three-digit code "9-1-1," to call emergency services through a Public Service  
Access Point (PSAP) operated by the local government. "E911" is a 911 service that  
25 includes the ability to provide automatic number identification (ANI) and automatic  
location information.  
26



1 to operator services, access to interexchange services, access to directory services,  
2 and can readily implement toll-limitation for qualifying low-income customers.<sup>24</sup>

3 Although ACSW may be providing the nine basic services to its existing  
4 customer base, a question remains whether ACSW would be capable of providing the  
5 services to all customers reasonably requesting service within its proposed service  
6 areas. In response to this issue, ACSW agreed to adopt the seven-step approach we  
7 approved for ADT<sup>25</sup> to meet its ETC obligations<sup>26</sup> to offer services, upon reasonable  
8 request, throughout the ACS-AN, ACS-AK and ACS-N/GS areas, including areas where  
9 it does not currently have facilities.<sup>27</sup> In addition, ACSW will file a report with us if it  
10 cannot provide service without constructing a new cell site, which will include the  
11 estimated cost of construction and its position on whether the request for service is  
12 reasonable and whether high-cost funds should be expended on the request.<sup>28</sup>

13 We find this is a reasonable strategy for providing service throughout the  
14 study areas. We will address any ACSW requests to deny service on a case-by-case  
15 basis. If ACSW unreasonably fails to serve customers throughout its designated  
16 service area, we would have cause to revoke its ETC status.

17 Although we find that ACSW has generally demonstrated that it would be  
18 capable of providing the nine basic services, we conclude that two of these services,

21 <sup>24</sup>*Willard Affidavit* ¶ 6.

22 <sup>25</sup>Alaska DigiTel, LLC (ADT).

23 <sup>26</sup>Order U-02-39(10), *Order Granting Eligible Telecommunications Carrier Status*  
24 *and Requiring Filings*, dated August 28, 2003. In this Order, we approved the seven  
step plan ADT proposed for serving customers.

25 <sup>27</sup>Application at 10.

26 <sup>28</sup>Response at 11.

1 access to emergency services and Lifeline and Link Up services, warrant further  
2 discussion.

3 Emergency Services

4 The FCC provided deployment deadlines to wireless carriers in  
5 implementing Phase II E911 services in the *Non-Nationwide Carriers Order* and  
6 reporting requirements for Tier III carriers.<sup>29</sup> ACSW filed a petition with the FCC  
7 requesting relief from the deployment schedules set out in the *Non-Nationwide Carriers*  
8 *Order*.<sup>30</sup> Given ACSW's request for waiver of emergency services deadlines, we sought  
9 further information from ACSW to further understand its capability of providing  
10 emergency services.

11 ACSW stated that it is currently providing basic 911 services in the  
12 ACS-AN, ACS-AK, and ACS-N/GS areas.<sup>31</sup> With its TDMA and AMPS network, ACSW  
13 transmits its customer's 911 emergency call from the cell site where the 911 originates  
14 to the PSAP serving that area. However, ACSW's TDMA/AMPS system is not E911  
15 Phase II capable.<sup>32</sup> ACSW stated that with its CDMA network, it is capable of providing  
16 Phase I and Phase II, E911 services.<sup>33</sup> While ACSW is not fully compliant with the  
17 requirements of the FCC in implementing Phase I and Phase II, E911 services at this

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19 <sup>29</sup>See *Revision of the Commission's Rules to Ensure Compatibility with*  
20 *Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for*  
21 *Non-Nationwide Carriers*, CC Docket No. 94-102, Order to Stay (*Non-Nationwide*  
22 *Carriers Order*), FCC 02-210, (rel. July 26, 2002), at 13, para. 34.

23 <sup>30</sup>*ACS Wireless Petition for Limited Waiver and Forbearance, In the Matter of*  
24 *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911*  
25 *Emergency Calling Systems*, CC Docket No. 94-102, filed on November 14, 2003.

26 <sup>31</sup>Application at 16.

<sup>32</sup>Response at 8.

<sup>33</sup>See 47 C.F.R. § 54.101(a)(5). ACSW stated that its CDMA system is capable  
of providing A-GPS location technology.

1 time, we believe that ACSW has demonstrated its ability to meet the emergency  
2 services requirement associated with ETC status.

3 Lifeline and Link Up Services

4 ACSW committed to provide Lifeline and Link Up services. ACSW stated  
5 that for its qualified customers, ACSW will offer a basic Lifeline rate of one dollar while  
6 Link Up customers will be able to subscribe for service at no charge.<sup>34</sup> ACSW also  
7 provided a means test for customers to be eligible under the Lifeline and Link Up  
8 services.<sup>35</sup> We recently adopted regulations that would define the criteria to identify  
9 customers eligible to participate in the Lifeline and Link Up programs and other  
10 policies.<sup>36</sup> ACSW shall comply with our Lifeline regulations when those regulations  
11 become effective. ACSW stated that it would revise its means test consistent with the  
12 criteria we establish in Docket R-03-6.<sup>37</sup>

13 Public Interest Determination

14 In a recent decision evaluating an ETC application, the FCC stated:

15 [T]he value of increased competition, by itself, is not sufficient to satisfy  
16 the public interest test in rural areas. Instead, in determining whether  
17 designation of a competitive ETC in a rural telephone company's service  
18 area is in the public interest, we weigh numerous factors, including the  
19 benefits of increase competitive choice, the impact of multiple  
20 designations on the universal service fund, the unique advantages and  
21 disadvantages of the competitor's service offering, any commitments  
22 made regarding quality of telephone service provided by competing  
23 providers, and the competitive ETC's ability to provide the supported

22 <sup>34</sup>Application at 11-15.

23 <sup>35</sup>Application at 14.

24 <sup>36</sup>See Docket R-03-6 entitled: *In the Matter of Proposed Regulations*  
25 *Implementing Lifeline and Link Up Eligibility Policies.*

26 <sup>37</sup>Response at 11.

1 services throughout the designated service area within a reasonable time  
2 frame.”<sup>38</sup>

3 We agree with the FCC that evaluation of the public interest requires  
4 review of a variety of factors and cannot simply rest on “increased competition.”

5 ACSW stated that its designation as an ETC will benefit consumers  
6 because it will provide more choices for consumers and will improve service quality and  
7 public safety. ACSW also stated that it will offer improved service to underserved  
8 customers who do not have access to modern wireless including high speed data  
9 service. ACSW further stated that its customers will benefit from a larger  
10 facilities-based network which will result in fewer “dead spots” and dropped calls.  
11 ACSW stated that with its CDMA system, it will give customers better choices of digital  
12 wireless services, including data service.

13 We find that granting ACSW's ETC application will improve customers'  
14 ability to obtain wireless services, providing customers more choices for meeting their  
15 communications needs. Low-income customers who otherwise would be unable to  
16 afford wireless service will be able to obtain service using the Lifeline and Link Up  
17 discounts. Although ACSW did not offer a rate plan based on receipt of universal  
18 service support, it did, however, provide its current basic rate plans with local usage,  
19 which provides an amount of minutes of use of exchange service free of charge to end  
20 users.<sup>39</sup>

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23 <sup>38</sup>*Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition*  
24 *for Designation as an Eligible Telecommunications Carrier in the Commonwealth of*  
25 *Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338, rel.  
26 January 22, 2004.

<sup>39</sup>Application at 8.

ACSW asserted that ETC designation would allow it to expedite its build-out plans for additional cell sites. ACSW expects that when its CDMA network is fully deployed it will reach CDMA coverage with A-GPS capability to 98 percent of the population in the ACS-AN area, 95 percent of the population in the ACS-AK area, and up to 98 percent of the population in the ACS-N/GS area. Such expansion of facilities may improve service quality, which would also be in the public service.

The Act requires an ETC to advertise the availability of the nine basic services (including Link Up and Lifeline) and the charges for the services using “media of general distribution.”<sup>40</sup>

<sup>40</sup>47 U.S.C. § 214(e)(1)(B).

1 The APUC<sup>41</sup> required MTA to meet the following minimum criteria to  
2 ensure appropriate and sufficient customer notification of its services:<sup>42</sup>

3 a) once every two years MTA must perform community outreach  
4 through appropriate community agencies by notifying those agencies of  
ACSW 's available services;

5 b) once every two years MTA must post a list of its services on a  
6 school or community center bulletin board in each of the utility's  
exchanges;

7 c) once a year MTA must provide a bill stuffer indicating its  
8 available services; and

9 d) once a year MTA must advertise its services through a general  
distribution newspaper at the locations it serves.

10 We required all incumbent local carriers to meet the same minimum  
11 advertising requirements as set for MTA when we granted its ETC status.<sup>43</sup> ACSW  
12 agreed to meet the same advertising requirements and file an affidavit detailing its  
13 compliance with the established standards when it has definitive dates for advertising  
14 and is ready to provide service.<sup>44</sup>

15 In summary, we find that granting ETC status to ACSW is in the public  
16 interest. We conclude that ACSW adequately demonstrated that it met all other criteria

17  
18  
19 <sup>41</sup>The Alaska Public Utilities Commission (APUC or Commission) was the  
20 predecessor to this agency. We assumed the responsibilities of the APUC on  
July 1, 1999 under Ch. 25, SLA 1999.

21 <sup>42</sup>Order U-97-187(1), *Order Granting Eligible Carrier Status; Granting Limited*  
22 *Waiver; and Establishing Toll-Control and Advertising Requirements*, dated  
23 December 19, 1997. Docket U-97-187 is entitled: *In the Matter of the Request by*  
24 *MATANUSKA TELEPHONE ASSOCIATION, INC., for Designation as a Carrier Eligible*  
*to Receive Federal Universal Service Support Under the Telecommunications Act of*  
*1996.*

25 <sup>43</sup>*Id.*

26 <sup>44</sup>Response at 11.



1 necessary to allow award of ETC status. We, therefore, approve ACSW's request for  
2 ETC status.

3 Conditions on ETC Status

4 Annual Certification

5 We monitor the continued appropriate use of universal service funding in  
6 our rural markets by requiring annual certification by all designated ETCs, including  
7 ADT. Accordingly, we require ACSW to file the same information required of all other  
8 rural ETCs in Alaska through our annual use-of-funds certification process. ACSW has  
9 agreed to do so.<sup>45</sup>

10 Build-out Plans

11 ACSW indicated that it plans to build-out its network in the ACS-AK,  
12 ACS-AN, and ACS-N/GS areas. ACSW further stated that high-cost support will  
13 accelerate its build-out process. ACSW also stated that it cannot predict or guarantee a  
14 future construction schedule without, among other things, knowing when its ETC  
15 application will be granted, and what cell sites have been constructed when ETC  
16 designation is granted.<sup>46</sup> With the approval of ACSW's ETC application, we require  
17 ACSW to clarify the record regarding its build out plans.

18 In its Application, ACSW provided information indicating the number and  
19 location of its existing cell sites, including its build-out schedule from 2004 to 2006. In  
20 its Response, ACSW stated that it had constructed several CDMA cell sites in its  
21 proposed service areas, including 18 cell sites in the ACS-N/GS. It appears that  
22 ACSW's build-out schedule filed in April 2004 has significantly changed based on its  
23 statements in its Response. We, therefore, require ACSW to file updated information

24 <sup>45</sup>*Id.*

25 <sup>46</sup>Response at 6.

1 showing its current existing cell sites and build-out schedule. That record will assist us  
2 in monitoring ACSW's progress in its network expansion and upgrade.

3 Joint Board Recommendation

4 The Federal-State Joint Board on Universal Service issued its  
5 recommendation<sup>47</sup> concerning the process for designation of ETCs and the payment of  
6 USFs. The policies the FCC ultimately adopts in light of the Joint Board  
7 recommendation may materially affect markets and consumers in Alaska. We may  
8 re-evaluate all ETCs, including ACSW, after the FCC issues a decision on the  
9 *Recommended Decision*.

10 This Order constitutes the final decision in this phase of the proceeding.  
11 This decision may be appealed within thirty days of the date of this Order in accordance  
12 with AS 22.10.020(d) and the Alaska Rules of Court, Rule of Appellate Procedure  
13 (Ak. R. App. P.) 602(a)(2). In addition to the appellate rights afforded by  
14 AS 22.10.020(d), a party has the right to file a petition for reconsideration as permitted  
15 by 3 AAC 48.105. If such a petition is filed, the time period for filing an appeal is then  
16 calculated under Ak. R. App. P. 602(a)(2).

17 ORDER

18 THE COMMISSION FURTHER ORDERS:

19 1. The application filed by ACS Wireless, Inc., for designation as a carrier  
20 eligible to receive federal universal service support under the Telecommunications Act  
21 of 1996 in the study areas of ACS of Alaska, Inc. d/b/a Alaska Communications  
22 Systems, ACS Local Service, and ACS, ACS of Anchorage, Inc. d/b/a Alaska  
23

24 <sup>47</sup>See *In the Matter of Federal-State Joint Board on Universal Service*,  
25 Recommended Decision, CC Docket 96-45, rel. February 27, 2004 (*Recommended*  
26 *Decision*).

1 Communications Systems, ACS Local Service, and ACS, and ACS of the Northland,  
2 Inc. d/b/a Alaska Communications Systems, ACS Local Service, and ACS for its Glacier  
3 State study area, is approved.

4           2. By 4 p.m., December 17, 2004, ACS Wireless, Inc., shall file  
5 certification, supported by an affidavit, demonstrating that it will advertise its services as  
6 specified in the body of this Order.

7           3. By 4 p.m., December 17, 2004, ACS Wireless, Inc., shall provide  
8 updated information concerning its build-out and upgrade as specified in the body of this  
9 Order.

10           4. ACS Wireless, Inc., shall file as if it were a regulated carrier in  
11 response to our requests for information for the annual use-of-funds certification to the  
12 Federal Communications Commission.

13  
14 DATED AND EFFECTIVE at Anchorage, Alaska, this 17th day of November, 2004.

15                           BY DIRECTION OF THE COMMISSION  
16                           (Commissioners Dave Harbour and  
17                           Anthony A. Price, not participating.)

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19  
20 ( S E A L )  
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## **APPENDIX 2**

# Interstate Common Line Support (ICLS)

2004

Date

To:

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Irene M. Flannery  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, N.W., Suite 200  
Washington, DC 20036

Re:

CC Docket No. 96-45  
Interstate Common Line Support - ICLS  
Annual Certification Filing

This is to certify that ACS Wireless will use its Interstate Common Line Support - ICLS only for the provision, maintenance and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below.

Company Name	State	Study Area Code
ACS Wireless	Alaska	-619005 619005

(If necessary, attach a separate list of additional study areas and check this box.)

Signed,



[Signature of Authorized Representative]

Date:

9-23-04

Thomas R. Meade

[Printed Name of Authorized Representative]

V.P. Carrier Market & Economic Analysis

[Title of Authorized Representative]

Carrier's Name: ACS Wireless  
Carrier's Address: 600 Telephone Avenue, Anchorage, AK 99503  
Carrier's Telephone Number: 907-564-1935

October 1, 2004

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-B204  
Washington, DC 20554

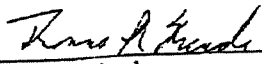
**VIA HAND DELIVERY, FACSIMILE AND FEDERAL EXPRESS**

Ms. Irene Flannery  
USAC  
2120 L Street, N.W.  
Suite 800 Washington, D.C. 20037

Re: ACS Wireless  
Certification for High Cost Loop Support  
CC Docket No. 96-45

Dear Ms. Dortch and Ms. Flannery:

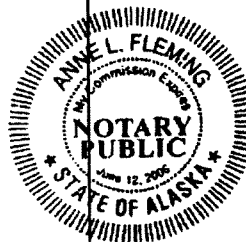
This certification is submitted on behalf of ACS Wireless ("ACSW", "Company") in accordance with FCC Rule Section 54.314. On Behalf of ACSW, I hereby certify under penalty of perjury that all high-cost loop support provided to the Company will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Communications Act of 1934, as amended.

  
Thomas R. Meade  
Vice President, Carrier Markets & Economic Analysis

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 1<sup>ST</sup> DAY OF October, 2004.

NOTARY PUBLIC 

My Commission Expires: 6/12/06





## **APPENDIX 3**

September 29, 2004

Marlene H. Dortch, Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Irene Flannery  
Universal Service Administrative Company  
2120 L Street, N.W., Suite 600  
Washington, D.C. 20037

Re: CC Docket No. 96-45  
State Certification of USF in Rural Areas

Dear Mses. Dortch and Flannery:

This letter is submitted pursuant to 47 CFR §54.314(a), which requires annual state certification of the use of federal universal service funds as a prerequisite for continued receipt of funding by rural carriers. The Regulatory Commission of Alaska governs local services and rates in Alaska and is the appropriate authority to issue the certification required under Section 54.314(a).

We declare that, to the best of our knowledge and belief, all federal high cost support received in 2004 by economically regulated rural eligible telecommunications carriers in Alaska (see attached list) will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act.

We economically regulate Arctic Slope Telephone Association Cooperative, Inc (ASTAC), but only for its Barrow exchange. Our agency does not economically regulate ASTAC's exchanges other than the Barrow exchange, Circle Telephone, Cordova Telephone, Ketchikan Public Utilities, and Nushagak Electric & Telephone Cooperative. Our certification does not cover non-regulated wireline service areas and each carrier is responsible for self-certifying its compliance with Section 54.314(b) for such areas.

We have included Alaska DigiTel, LLC and ACS Wireless, Inc., non-regulated wireless carriers, on our list of carriers. We have done so as we directed the companies to file annual certifications with us concerning their use of funds and we plan to regularly review their responses in this area. Alaska DigiTel, LLC and ACS Wireless, Inc. should be filing individual certifications with the FCC concerning the use of funds by a non-regulated entity.

We have pending a number of local carrier revenue requirements and cost of service study proceedings. Our certification does not preclude us from reviewing in further detail how any carrier has employed its federal universal service funds and ordering that use of funds comply with our directives or policies. Our decision does not bind us in future or pending cases and we reserve the right to conclude that a company should employ its universal service funding differently than it does today or in the future in light of better data or a more detailed review.

Sincerely,  
REGULATORY COMMISSION OF ALASKA

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Kate Giard  
Chairman

## Rural Eligible Telecommunications Carriers in Alaska<sup>1</sup>

NECA Code <sup>2</sup>	Carrier
613012, 613022	ACS of Alaska, Inc.
613008	ACS of Fairbanks, Inc.
613010, 613020	ACS of the Northland, Inc.
N/A	ACS Wireless, Inc. <sup>3</sup>
N/A	Alaska DigiTel, LLC <sup>4</sup>
613017, 613009	Alaska Telephone Company
613001, 613009	Arctic Slope Telephone Assoc. Cooperative, Inc. <sup>5</sup>
613002	Bettles Telephone Company
613003	Bristol Bay Telephone Cooperative, Inc.
613004	Bush-Tell, Inc.
613006	Copper Valley Telephone Cooperative, Inc.
N/A	GCI Communications Corp. <sup>6</sup>
613011, 613009	Interior Telephone Company
613015	Matanuska Telephone Assoc., Inc.
613016, 613009	Mukluk Telephone Company
613026	North Country Telephone, Inc.
613019	OTZ Telephone Cooperative., Inc.
613028	Summit Telephone Company
613023, 613009	United-KUC, Inc.
613023	United Utilities, Inc.
613025	Yukon Telephone Company

<sup>1</sup>This list does not include incumbent rural ETCs that are not economically regulated by the Regulatory Commission of Alaska. Those carriers are required to self-certify in accordance with 47 CFR §54.314(b). Non-economically incumbent rural ETCs in Alaska are Circle Telephone, Cordova Telephone, Ketchikan Public Utilities, Nushagak Electric & Telephone Cooperative, and Arctic Slope Telephone Association Cooperative, Inc. (ASTAC) for its exchanges other than Barrow (see footnote 5).

<sup>2</sup>With the exception of Alaska DigiTel (see footnote 4) and ACS Wireless (see footnote 3), each local carrier has ETC status in all rural study areas that it serves. The study area codes are provided as a convenience. Code 613009 refers to previous exchanges owned by GTE Alaska, Inc. that were divided up and transferred to several different entities. These exchange have since been merged with each carrier's other study area(s)

<sup>3</sup>ACS Wireless, Inc. is a wireless carrier that was granted status for areas served by Matanuska Telephone Company, Inc. (613015) and ACS of Fairbanks, Inc. (613008).

<sup>4</sup>Alaska DigiTel, LLC is a wireless carrier that was granted ETC status for the area served by Matanuska Telephone Company, Inc. (613015).

<sup>5</sup>The Regulatory Commission of Alaska only economically regulates ASTAC for its Barrow exchange. For its non-economically regulated exchanges, ASTAC is responsible for filing a letter directly with the FCC indicating its intent to use federal high cost funds only for their intended purposes.

<sup>6</sup>GCI holds ETC status in the following incumbent study areas: Fairbanks (613008), Juneau (613012), and Greatland (613022). However, this certification only covers the Fairbanks and Juneau areas. GCI provides service to the Greatland study area via wholesale.